

CUSTOMER NO.: 24498
Serial No.: 10/578,952
Advisory Action dated: 03/04/09
Response dated: 05/07/09

PATENT
PU030295

Remarks/Arguments

Claims 1-16 are pending in this application. Claims 1-16 are rejected in the final Office Action of December 8, 2008, and remain rejected in the Advisory Action of March 4, 2009. Claims 1, 2, 5, 7, 8, 11, 13, 15 and 16 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention.

Re: Rejection of Claims 2, 8 and 16 under 35 U.S.C. §112, First Paragraph

In the final Office Action of December 8, 2008, claims 2, 8 and 16 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner alleges that the feature "the user input includes a user pressing a single key of remote control device" is not supported by the specification. Given that this ground of rejection is not referred to in the Advisory Action of March 4, 2009, Applicants presume that this ground of rejection has been overcome by their response of February 20, 2009. However, if this is not the case, Applicants continue to respectfully traverse this rejection for at least the following reasons.

FIG. 6 and the accompanying description of Applicants' specification, for example, clearly indicate that user depression of the "INPUT" key of a remote control device at step 604 selects a video input source device, establishes a peer-to-peer connection between the selected video input source device and a digital recording device, and causes the digital recording device to record digital content provided from the selected video input source device (see, for example, the sequence of steps 604, 606, 608, 610 and 612 of FIG. 6). Accordingly, Applicants submit that their specification clearly supports the feature recited by claims 2, 8 and 16 in which "the user input includes a user pressing a single key of remote control device". In view of this clarification, withdrawal of the rejection is respectfully requested.

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Re: Rejection of Claims 1-4, 6-10, 12-14 and 16 under 35 U.S.C. §103(a)

Claims 1-4, 6-10, 12-14 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,442,328 issued to Elliot et al. (hereinafter, "Elliot") in view of U.S. Patent Publication No. 2003/0037335 by Gatto et al. (hereinafter, "Gatto"). Applicants respectfully traverse this rejection for at least the following reasons.

At the outset, Applicants again note that the claimed invention addresses and solves a problem related to how to provide a simplified peer-to-peer recording method and apparatus (see title). The claimed solution to this problem is defined by amended independent claim 1, for example, as follows:

"A method for operating a television apparatus connected to a digital serial bus to enable a recording function, the method comprising the steps of:

'receiving, by the television apparatus, a user input selecting a designated video input source device connected to the digital serial bus;

'in response to the user input received by the television apparatus, establishing a peer-to-peer connection between the designated video input source device and a digital recording device connected to the digital serial bus; and

'further in response to the user input received by the television apparatus, causing the digital recording device to record digital content provided from the designated video input source device, wherein data may be directly transferred between the designated video input source device and the digital recording device."
(emphasis added)

As indicated above, independent claim 1 defines a method which advantageously provides simplified peer-to-peer recording by enabling at least three different functions to be performed in response to a "user input" received by the television apparatus, namely, the functions of: (i) selecting a designated video input source device, (ii) establishing a peer-to-peer connection between the designated video input source device and a digital recording device; and (iii) causing the digital recording device to record digital content provided from the designated video input

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source device. Independent claims 7 and 13 recite subject matter similar to independent claim 1, as described above.

Neither Elliot nor Gatto, whether taken individually or in combination, discloses or suggests, *inter alia*, the simplified peer-to-peer recording solution defined by independent claims 1, 7 and 13. The primary reference, Elliot, discloses a system including a set-top box 100 connectable to a digital video recorder 200 (see FIG. 1-3). Digital video recorder 200 receives a real-time video signal 106 from set-top box 100 and provides a recorded video signal 108 to set-top box 100 during a playback interval. Digital video recorder 200 also includes a disk 220 and a video data stream manager 230 that in response to real-time video signal 106 provides a first video stream 222 to store a selected video segment on disk 220. Video data stream manager 230, in response to commands from a microprocessor 140 in set-top box 100, receives a second video stream 223 based on the selected video segment stored on disk 220 to generate recorded video signal 108. Set-top box 100 also includes a multiplexer 150 that selects real-time video signal 106 during a real-time interval and selects recorded video signal 108 during the playback interval to generate an output video data stream to a display device 300 (see, for example, the Abstract, FIGS. 1-3 and their accompanying descriptions).

Elliot also generally discloses a user input 142 (again, see FIGS. 1-3) that includes commands (e.g., turn on, record, playback and display commands) from the user to control various operation parameters of set-top box 100 and digital video recorder 200 (see, for example, column 4, lines 40-51). However, Elliot nowhere discloses or suggests, *inter alia*, that a given user input 142 to either only the set-top box 100 or recorder 200 is capable of enabling the performance of at least three different functions, including: (i) selecting a designated video input source device, (ii) establishing a peer-to-peer connection between the designated video input source device and a digital recording device; and (iii) causing the digital recording device to record digital content provided from the designated video input source device, as defined by independent claims 1, 7 and 13. As such, Elliot fails to disclose or suggest the desirability of the claimed solution for providing simplified peer-to-peer recording.

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In the Advisory Action of March 4, 2009, the Examiner responds to the foregoing arguments by alleging:

"... the examiner respectfully disagrees with the applicant. Elliot discloses a digital video recorder which allows the automatic recording in real time of the content selected by the user. Elliot further recites that the user selects a desired channel content by means of a video input interface 110 in set top box 100, i.e., video input source device, implementing a remote controller which allows a user to select a content to be displayed and recorded simultaneously, col. 2, lines 5-38 col. 4, line 40-51 col. 7 lines 47-55 also exhibited on figures 1 and 5, which clearly reads on 'a user input capable of selecting a video input source' since the user has selected the set top box 100 as "a video input source" since the moment the user decides to turn it on and selects a channel content provider." (emphasis added)

As indicated above, the Examiner ostensibly alleges that a user turning on set top box 100 in Elliot corresponds to the step of "receiving a single user input selecting a designated video input source device connected to the digital serial bus" as recited, for example, in amended independent claim 1.

In response, Applicants note that Elliot makes a clear distinction between a user input 142 that turns on set top box 100 (i.e., "In certain embodiments, the user input 142 includes the user turning on the set top box 100", emphasis added, see column 4, lines 43-44), and a user input 142 that initiates a recording function (i.e., "The user input 142 includes commands from the user to control various operation parameters of the set top box 100 and the digital video recorder 200, such as record, playback, and display commands", emphasis added, see column 4, lines 40-43). Accordingly, Elliot clearly teaches that separate user inputs 142 at the set-top box 100 and recorder 200 are required for: (i) turning on set top box 100, and (ii) initiating a recording function via digital video recorder 200. As such, Elliot clearly fails to disclose or suggest, *inter alia*, that a given user input received at a single television apparatus is capable of enabling the performance of at least three different functions, including: (i) selecting a designated video input source device, (ii) establishing a peer-to-peer connection between the designated video input source device and a digital recording device; and (iii) causing the digital recording device to record digital content provided from the designated video input source device, as recited by independent claims 1, 7 and 13.

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Gatto is unable to remedy the above-referenced deficiencies of Elliot. In particular, Gatto discloses an interactive television device that is configured to receive and process multiple broadband input streams simultaneously. The device includes functionality to perform as a web browser, a cable and satellite television receiver, a digital PVR, an interactive set-top box, an advanced central processing unit and a videoconferencing device. However, like Elliot, Gatto nowhere discloses or suggests, *inter alia*, that a given user input received at a single television apparatus is capable of enabling the performance of at least three different functions, including the functions of: (i) selecting a designated video input source device, (ii) establishing a peer-to-peer connection between the designated video input source device and a digital recording device; and (iii) causing the digital recording device to record digital content provided from the designated video input source device, as provided by independent claims 1, 7 and 13. As such, Gatto (like Elliot) also fails to disclose or suggest the desirability of the claimed solution for providing simplified peer-to-peer recording.

Accordingly, for at least the foregoing reasons, Applicants submit that independent claims 1, 7 and 13 and their respective dependent claims are non-obvious over the proposed combination of Elliot and Gatto, and withdrawal of the rejection is respectfully requested.

Re: Rejection of Claims 5, 11 and 15 under 35 U.S.C. §103(a)

Claims 5, 11 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Elliot in view of Gatto, and further in view of U.S. Patent No. 6,788,882 issued to Geer et al. (hereinafter, "Geer"). Claims 5, 11 and 15 each ultimately depend from either independent claim 1, 7 or 13 described above. Applicants respectfully traverse this rejection for at least the same reasons pointed out above in conjunction with independent claims 1, 7 and 13 since Geer is unable to remedy the above-described deficiencies of Elliot and Gatto. In particular, Geer discloses a digital video recorder that is capable of concurrently receiving and digitally storing a plurality of channels (see, for example, the Abstract). However, like Elliot and Gatto, Geer nowhere discloses or suggests, *inter alia*, that a given user input received at a single television apparatus is capable of enabling the performance of at least three different functions, including the functions of: (i)

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selecting a designated video input source device, (ii) establishing a peer-to-peer connection between the designated video input source device and a digital recording device; and (iii) causing the digital recording device to record digital content provided from the designated video input source device, as provided by independent claims 1, 7 and 13. As such, Geer (like Elliot and Gatto) also fails to disclose or suggest the desirability of the claimed solution for providing simplified peer-to-peer recording. Accordingly, claims 5, 11 and 15 are deemed non-obvious over the proposed combination of Elliot, Gatto and Geer, and withdrawal of the rejection is respectfully requested.

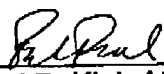
Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled. Please charge the fees for the RCE (\$810) and the Two (2) Month Extension of Time (\$490), and any other fees, or credit any overpayments, to Deposit Account No. 07-0832.

Respectfully submitted,

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